

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 4/2/2020 8:01:46 PM
To: Goodin, John [Goodin.John@epa.gov]
Subject: FW: FL Assumption Reasonable Potential - this is what R4 intends to present to Jenneane but
Attachments: **Ex. 5 Deliberative Process (DP)** DRAFT_CLEAN.docx

FYI the final paper for Jeaneane.

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(202) 566-1290
eisenberg.mindy@epa.gov

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Thursday, April 02, 2020 3:23 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: FW: **Ex. 5 Deliberative Process (DP)** this is what R4 intends to present to Jenneane but

Ex. 5 Deliberative Process (DP)

From: Laycock, Kelly <Laycock.Kelly@epa.gov>
Sent: Thursday, April 02, 2020 3:07 PM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks everyone for the quick turnaround on this!

I've attached the version we will be presenting to Jeaneane this afternoon but I realize this document may continue to evolve as we run things up the chain.

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Thursday, April 2, 2020 1:21 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

I am done. Going to keep the doc open and folks can let me know if they have questions or need anything else from me.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, April 02, 2020 1:19 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

I've finished my edits. Alexis has entered the paragraph she was going to tackle, so she may be done, too, though defer to her.

I will be offline for the next hour, FYI, back before 2:30.

Simma Kupchan
EPA Office of General Counsel
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WJC North Building # 7426Q
202-564-3105

From: Laycock, Kelly <Laycock.Kelly@epa.gov>
Sent: Thursday, April 2, 2020 11:57 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks so much Simma. If we could shoot for 2:00pm to finish edits I think that would give me time to incorporate everything and leave the Regional folks time to discuss before our briefing.

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From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, April 2, 2020 11:51 AM

To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks. I'm making a few more clarifying edits, in addition to adding some legal background (as is Alexis) though let me know us know if/when you want pens down to incorporate and accept all comments.

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From: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Sent: Thursday, April 2, 2020 10:15 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Hi Alexis,

Right now, it's scheduled for 430 pm. Thanks!

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Thursday, April 2, 2020 10:05 AM
To: McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

What time is your meeting today?

Alexis Wade
Attorney-Adviser
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From: McGill, Thomas <McGill.Thomas@epa.gov>
Sent: Thursday, April 02, 2020 10:02 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

As it seems we do not have consensus I agree that it will need to be discussed above our level. In the meantime, I suggest **Ex. 5 Deliberative Process (DP)**

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, April 2, 2020 9:24 AM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

If it turns out there is a disagreement between the Region and OW, Jeaneanne could always talk to John about it – just a thought. Still putting together the legal language; I apologize for the delay.

Simma Kupchan
EPA Office of General Counsel
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From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Sent: Thursday, April 2, 2020 9:19 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Hope to have

something more soon

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, April 02, 2020 8:28 AM

To: Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

I apologize; I had hoped to work on it yesterday and was distracted by another issue. I am going to try to find something in the next hour or so to add.

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From: Laycock, Kelly <Laycock.Kelly@epa.gov>

Sent: Thursday, April 2, 2020 6:48 AM

To: McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: **Ex. 5 Deliberative Process (DP)**

Just wanted to reach out to see if anyone was able to find any information to bolster either option 1 or 2 of our issue paper? I was hoping to update the paper with any new information before we brief our Division Director this afternoon.

Thanks,

Kelly Laycock
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